

### Remarks

This Amendment is in response to the Office Action mailed January 11, 2002.

Claims 18-25 are pending in this application. Claims 18-25 have been rejected. Claims 18, 20 and 23 have herein been amended. Claims 19 and 25 have herein been canceled. New Claims 26-32 have been added. Claims 21, 22 and 24 have not been amended, but are set forth for the convenience of the Examiner.

The drawings have been objected to, and specifically Figures 6 and 7, because of the inclusion of the reference to "LOL." Applicant states that "LOL" was simply a logo in the informal drawings. Accordingly, Applicant has herein deleted this logo from Figures 6 and 7 to overcome the objection to the drawings. A corrected drawing page having said change is attached hereto.

The specification has been objected to because of a minor informality on page 7 and on page 11. Accordingly, Applicant has corrected said minor informalities to overcome the objection. Replacement pages for pages 7 and 11 are attached hereto.

Claims 18-21 and 25 have been rejected under 35 U.S.C. §102(e) as being clearly anticipated by Mooers. For the following reasons, the Examiner's rejection is respectfully traversed.

Applicant has herein canceled Claim 25, and amended Claims 18 and 20 to further define over Mooers. Specifically, Claim 18 as amended requires that the plane of the scent receiving element is

coplanar with the plane of the body portion. In this manner, the surface of the lure is continuous and smooth and does not interfere with the motion of the lure. Additionally, Claim 18 now requires that the body portion be spoonlike. Also, new Claims 26 and 28-31 include limitations not found in Mooers.

Mooers does not anticipate or make obvious these claimed features of Applicant's invention. Further, Applicant reserves the right to swear behind Mooers.

Claims 23 and 24 have been rejected under 35 U.S.C. §102(e) as being clearly anticipated by Hollinger. For the following reasons, the Examiner's rejection is respectfully traversed.

Applicant respectfully disagrees that Hollinger clearly anticipates, or even makes obvious, Applicant's claimed scent receiving element attached to the end of the body portion, as required under the law pertaining to 35 U.S.C. §102.

[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, **arranged as in the claim**. ... The issue is decided by identifying the elements of the claims, **determining their meaning in light of the specification** and prosecution history, and identifying corresponding elements disclosed in the allegedly anticipating reference....

An anticipatory reference must **clearly and unequivocally** disclose the claimed invention or direct those skilled in the art to the claimed invention without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the reference. ... [A]n **anticipation must speak affirmatively and with certainty; must disclose the invention without debate**; ... (citations omitted) Idacon Inc. v. Central Forest Products Inc., 3 USPQ2d 1079, 1089

(ED Ok 1986). Accord: Glaverbel S.A. v. Northlake Marketing & Supply Inc., 33 USPQ2d 1496, 1498 (CAFC 1995)..

The Examiner's rejection suggests that the bottom of Hollinger's lure is an "end" as claimed and described in the specification, and that a recessed area or pouch of Hollinger's lure is a "scent receiving element attached to said end" as claimed and described in the specification. It is further unclear how the pouch of Hollinger can somehow "conform to the perimeter of the end of said body portion." Applicant respectfully asserts that the Hollinger reference wholly fails to clearly and unequivocally anticipate Applicant's invention under 35 U.S.C. §102.

Nonetheless, without waiving any objection thereto, Applicant has herein amended Claim 23 to further define over Hollinger. Specifically, Claim 23 as amended requires that the scent receiving element extends from the end of the body portion. Also, new Claims 27 and 32 includes limitations not found in Hollinger.

Hollinger does not anticipate or make obvious these claimed features of Applicant's invention. Further, Applicant reserves the right to swear behind Hollinger.

Claim 22 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Mooers. For the above stated reasons with respect to Mooers, the Examiner's rejection is respectfully traversed.

Accordingly, Applicant respectfully asserts that the claims as

amended herein are now in condition for immediate allowance. An early Notice of Allowance is respectfully requested.

Version with markings to show changes made

Please amend the application as follows:

**In the Drawings:**

Please amend Figures 6 and 7 as shown in the attached corrected drawing page.

**In the specification:**

On page 7, in line 14, please replace "45" with -- 40 --.

On page 11, in line 4, please replace "245" with -- 220 --.

**In the Claims:**

Please cancel Claims 19 and 25.

Please amend the claims as follows:

18. (Amended) A fishing lure, comprising:

a spoonlike body portion;

at least one cavity formed in said body portion; and

a scent receiving element located in said at least one cavity,  
wherein said body portion defines a plane and said scent receiving  
element defines a plane, and said scent receiving element being  
embedded in said body portion such that said plane of said scent  
receiving element is coplanar with said plane of said body portion.

19. (Canceled)

20. (Amended) The fishing lure of Claim 18, wherein said  
body portion defines two sides, and said scent receiving element  
being directly accessible from both sides.

21. (Unchanged) The fishing lure of Claim 18, further comprising means for securing said scent receiving element in said at least one cavity.

22. (Unchanged) The fishing lure of Claim 18, wherein said at least one cavity is a plurality of cavities, each receiving a scent receiving element.

23. (Amended) A fishing lure comprising:  
a body portion having an end, said end defining a perimeter;  
and

a scent receiving element attached to and extending from said end of said body portion, said scent receiving element adapted to conform to the perimeter of said end of said body portion.

24. (Unchanged) The fishing lure of Claim 23, wherein said scent receiving element does not interfere with the motion of said lure.

25. (Canceled)

Please add the following new Claims:

26. (New) The fishing lure of Claim 21, wherein said means for securing allowing for repeated, selected attachment and removal of said scent receiving element to and from said body portion without the need to alter said lure.

27. (New) The fishing lure of Claim 23, wherein said fishing lure is a jig.

28. (New) The fishing lure of Claim 18, wherein said scent receiving element is unobstructed.

29. (New) The fishing lure of Claim 18, wherein said scent receiving element is sized and shaped to conform to a size and shape of said at least one cavity.

30. (New) The fishing lure of Claim 18, wherein said scent receiving element does not interfere with the motion of said lure.

31. (New) The fishing lure of Claim 18, wherein said body portion and said scent receiving element cooperate to define a continuous and smooth surface.

32. (New) The fishing lure of Claim 23, wherein said body portion and said scent receiving element cooperate to define a continuous and smooth surface.

### Conclusion

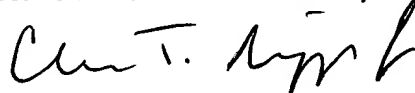
As described above, neither Mooers or Hollinger, nor the prior art of record, either alone or in combination, fairly teach, suggest or disclose the novel and unobvious features of Applicant's invention as presently claimed. Accordingly, Applicant respectfully asserts that the claims as presented herein are now in condition for allowance. An early notice allowance is requested.

Any arguments of the Examiner not specifically addressed should not be deemed admitted, conceded, waived, or acquiesced by Applicant. Any additional or outstanding matters the Examiner may have are respectfully requested to be disposed of by telephoning the undersigned.

A Petition for an extension of time to make this Amendment timely is enclosed herewith and respectfully requested. A form PTO-2038 is enclosed herewith in payment of the Extension fee. The Commissioner is hereby authorized to charge any additional or deficient fees which may be required to Deposit Account 16-0657.

A postcard is enclosed evidencing receipt of the same.

Respectfully submitted,  
**PATULA & ASSOCIATES, P.C.**



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